

United States District Court
Northern District of California

ROBERT J. MITCHELL and CHRISTINE
MITCHELL,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: CV 13-04017-KAW

ORDER REQUIRING FURTHER BRIEFING
RE: DEFENDANT WELLS FARGO, N.A.'S
MOTION TO DISMISS; ORDER
VACATING HEARING DATES ON
MOTION TO DISMISS AND MOTION TO
STRIKE

On September 16, 2013, Defendant Wells Fargo filed a motion to dismiss Plaintiffs Robert and Christine Mitchell's complaint alleging that Wells Fargo violated the California Homeowner Bill of Rights ("HBOR"), Civil Code § 2923.6(f)(3). Upon review of the pleadings, the Court seeks further briefing on whether Wells Fargo was in compliance with the terms of the National Mortgage Settlement Agreement, and whether such compliance precludes liability for HBOR violations pursuant to Civil Code § 2924.12.

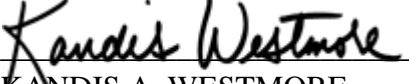
The supplemental briefs shall not exceed 10 pages. Defendant shall file its brief on or before November 25, 2013. Plaintiffs shall file their response on or before December 4, 2013. No additional briefing is permitted.

Upon review of the supplemental briefs, the Court will decide whether a hearing is necessary or if the motion to dismiss may be resolved without oral argument pursuant to Civil L.R. 7-1(b).

Accordingly, the November 21, 2013 hearings for Defendant's Motion to Dismiss (Dkt. No. 10) and Motion to Strike (Dkt. No. 18) are VACATED.

IT IS SO ORDERED.

DATE: November 18, 2013


KANDIS A. WESTMORE
United States Magistrate Judge